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| 10/620,270 | 07/15/2003 | Gary Rogers | 1388-2 CIP | 8764 |

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| EXAMINER | |
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| ART UNIT | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/620,270 | ROGERS, GARY | |
| | Examiner | Art Unit | |
| | MANSOUR M. SAID | 2673 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *06 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**2. Claims 1-3, 6, 9, 11-14, 16-17, 19-20 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (5,900,870; hereinafter referred to as Chen) in view of Scenna et al. (5,894,302; hereinafter referred as Scenna).**

**As to claim 1,** Chen teaches a thumb (thumb, (rest unit, (figure 2, (2)) and finger (little finger rest unit, (finger rest, (figure 2, (21)) guide structure for use with a computer mouse having a palm portion (housing, (figure 2, (1)) and two lateral opposite sides (figures 2-4)) (column 2, lines 10-33) said structure comprising a thumb guide (thumb finger rest, (figure 2, 21)) extending from said palm portion (housing, (figure 2, (1)) (figures 2-8, column 2, lines 10-67, a finger guide extending from said palm portion and spaced from said thumb guide (figures 2-8 and column 2, lines 10-67), said finger guide being spaced from said thumb guide (thumb, finger rest, (figure 2, 2)) by an amount approximately equal to the distance between the thumb and little finger (little finger, rest area, (figure 2, (21)) of the hand of the intended user when the hand is in an open relaxed position so that the structure supports the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof (figures 2-8

abstract, column 1, lines 30-55, and column 2, lines 10-67) ; and means for attaching said structure to an existing computer mouse (figures 2, 4, & 6-8, column 1, lines 5-13 and column 1, lines 30-34).

Chen does not expressly teach that a palm member dimensioned and shaped to fit over the palm portion of the computer mouse.

However, Scenna teaches a palm member (palm support area, (figures 1-4, 8 & 14-15) dimensioned and shaped to fit over the palm portion of the computer mouse (figures 1-4, 8, 12-17 & 20-22, abstract, column 4, lines 45-67, column 2, lines column 2, lines 31-54, and column 4, lines 30-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse having palm support area into Chen's computer mouse so as to encourage greater use of the forearm muscles and the length and angle of the button maintain the user's finger with a lesser degree of flexion of the FDP tendon, which minimizes stress on the tendon (column 2, lines 45-54).

**As to claims 2 and 16,** Chen, wherein at least one of said thumb guide and said finger guide is disposed generally above a side of said mouse (figure 4, column 2, lines 15-35 and column 2, lines 45-67).

**As to claims 3, 13 and 17,** Chen teaches wherein said guides are generally opening (as clearly shows in figures 2-3 & 6, the thumb and finger support are opening flat structure)) column 2, lines 15-35 and column 2, lines 45-67).

Chen does not clearly teach that the finger guide having an arcuate flange.

However, Scenna teaches an ergonomic mouse having the finger guide (concave surface, (figures 1-2, (74)) and column 6, line 64 through column 7, line 1-5).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to use Scenna's concave surface into Chen's mouse so to support serves as a rest for the finger during use (column 7, lines 1-3).

**As to claims 6 and 19,** Chen teaches all claimed limitations except that the palm member is generally curved and shaped to support an average adult palm.

However, Scenna teaches an ergonomic computer mouse having the palm member ((palm support area, (figures 1-4, 8 & 14-15) is generally curved and shaped to support an average adult palm (figures 1-4, 813-17 & 20-22, abstract, column 4, lines 45-67, column 2, lines column 2, lines 31-54, and column 4, lines 30-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse having curve palm support area into Chen's computer mouse so as to encourage greater use of the forearm muscles and the length and angle of the button maintain the user's finger with a lesser degree of flexion of the FDP tendon, which minimizes stress on the tendon (column 2, lines 45-54).

**As to claims 9 and 20,** Chen teaches wherein both of said thumb (figure 2, (2)) and finger supports (figure 2, 21)) are disposed generally above opposite lateral sides of said mouse (column 2, lines 19-34).

**As to claims 11 and 22,** Chen teaches wherein the mouse having an outline with a hand (figure 3).

Chen does teach a palm portion has an outline with a hand.

However Scenna fairly teaches a palm portion has an outline with a hand (figure 8 and column 5, lines 33-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse showing a outline of hand into Chen's computer mouse so as show the user's hand and wrist to rest on the work surface (column 5, lines 45-58).

**As to claims 12 and 23,** Chen teaches wherein the mouse having an outline with a hand (figure 3).

Chen does expressly teach that outline of said hand is recessed in said palm.

However, Scenna fairly teaches that outline of said hand is recessed in said palm (figures 8 & 12 and column 4, lines 45-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse showing a outline of hand into Chen's computer mouse so as show the user's hand and wrist to rest on the work surface (column 5, lines 45-58).

**As to claim 14,** Chen teaches a computer mouse (finger rest structure computer mouse, (figure 2)) having a palm portion (housing, (figure 2, (1)) and two lateral opposite sides (figures 2-4)) (column 2, lines 10-33); and spaced-apart a thumb guide (thumb finger rest, (figure 2, 21)) attached to computer mouse (housing, (figure 2, (1)) (figures 2-8, column 2, lines 10-67, said finger guide being spaced from said thumb guide (thumb, finger rest, (figure 2, 2)) by an amount approximately equal to the distance between the thumb and little finger (little finger, rest area, (figure 2, (21)) of the hand of the intended user when the hand is in an open relaxed position so

that the structure supports the user's hand in an open relaxed position and said guides being positioned such that the mouse may be moved and lifted without said user's thumb and finger gripping the two lateral opposite sides thereof (figures 2-8 abstract, column 1, lines 30-55, and column 2, lines 10-67).

Chen does not expressly teach that palm portion of the computer mouse.

However, Scenna teaches a palm member (palm support area, (figures 1-4, 8 & 14-15) dimensioned and shaped to fit over the palm portion of the computer mouse (figures 1-4, 8, 12-17 & 20-22, abstract, column 4, lines 45-67, column 2, lines column 2, lines 31-54, and column 4, lines 30-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse having palm portion area into Chen's computer mouse so as to encourage greater use of the forearm muscles and the length and angle of the button maintain the user's finger with a lesser degree of flexion of the FDP tendon, which minimizes stress on the tendon (column 2, lines 45-54).

**3. Claims 4, 10, 18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Scenna as applied to claims 1 and 14 above, and further in view of Wei (6,034,627).**

**As to claims 4 and 18,** Chen and Scenna teach all claimed limitations except that wherein said guides are rings.

However, Wei teaches a computer input device (mouse) having finger support/guide (hole, figure 3, (27)) (column 2, lines 15-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse having palm support area into Chen's modified system mouse so as to control and moved easily and readily by the finger engaged within the hole, and may click or push the button easily (column 2, lines 30-35).

**As to claims 10 and 21**, Chen and Scenna teach all claimed limitations except means for adjusting the diameter.

Weir teaches a computer input device (mouse) having means for adjusting the diameter ((hole, figure 3, (27)) (column 2, lines 15-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Scenna's computer mouse having the hole diameter for adjusting the finger into Chen's modified system mouse so as to control and moved easily and readily by the finger engaged within the hole, and may click or push the button easily (column 2, lines 30-35).

**4. Claims 5, 7-8 & 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Scenna as applied to claims 1 above, and further in view of Adler (6,256,015 B1).**

**As to claim 5,** Chen and Scenna teach all claimed limitations except that for attaching comprise adhesive means.

However, Adler teaches that for attaching comprise adhesive means (adhesive, (figures 1-4, (47)) and column 5, lines 10-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to incorporate Adler's computer mouse having a resilient adhesive into Chen's modified device so as that the adhesive is (attached) or squeezed between the two opposing surfaces locally and adheres to both of them, so that the computer mouse currently can be completely cleaned, serviced and repaired with access to only the bottom surface (column 5, lines 14-22).

**As to claims 7-8,** Chen and Scenna teach all claimed limitations, but omit that guide are formed as an integral plastic member.

However, Adler teaches a computer mouse having the guide are formed from different material, such as plastic (leather) (figures 1-4 and column 6, lines 26-38).

Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to use Adler's mouse having the shell can be made from different material into Chen's modified system so as to increase the versatility of the computer mouse.

8. A thumb and finger guide structure according to claim 7, wherein: said palm member is at least partially covered with an absorbent fabric.

**As to claim 15,** Chen and Scenna disclose all claimed limitations except that the palm portion attached to the computer mouse.

However, Adler teaches the palm portion attached to the computer mouse (figures 1-4, (47)) and column 5, lines 10-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Adler's computer mouse having a resilient adhesive into Chen's modified device so as the two opposing surfaces locally and adheres to both of them, so

that the computer mouse currently can be completely cleaned, serviced and repaired with access to only the bottom surface (column 5, lines 14-22).

### *Response to Arguments*

5. Applicant's arguments filed on January 6, 06 have been fully considered but they are not persuasive. Applicant argued 'neither anticipated nor rendered obvious by any of the cited prior art applied alone or in combination), such as, "lifting of the mouse without gripping it".

Examiner respectfully disagrees, for instance, the combination of both prior art, at least fairly show that the mouse have a gripping part, so that the user can have ability of moving the device, including lifting the mouse, as claimed.

Therefore, the combination all references fairly discloses the claimed limitations, and all references should be taken in combination and not individually. **The Applicant cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references. In re Keller, 208 USPQ 871 (CCPA 1981).**

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yang (6,297,808 B1) teaches a hand controller device.

Lilenfield (6,545,667 B1) teaches a cursor control device.

Baughman (6,850,224 B2) teaches a computer mouse.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS OFFICE ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MANSOUR M. SAID whose telephone number is (571) 272-7679. The examiner can normally be reached on MF (8:30-6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BIPIN SHALWALA can be reached on (571) 272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mansour M. Said

3/16/06

Ricardo Osorio
PRIMARY EXAMINER